THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.20466 OF 2007

Dated 1st October, 2007

Between:

M/s Sri Venkateswara Dairy Farm …Petitioner

And

The Additional Commissioner of
Commercial Taxes and two others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.20466 OF 2007

O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

Heard learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

The controversy is that pending appeal against imposition of penalty before the Sales Tax Appellate Tribunal, Hyderabad, application for stay filed by the petitioner was dismissed by the Additional Commissioner of Commercial Taxes-the first respondent by order dated 03-08-2007. We have gone through the record and heard learned counsel for the parties. We feel that the interest of justice would have been met if stay was granted, pending appeal, subject to deposit of 25 per cent of the disputed penalty. Therefore, we set aside the order of the first respondent dated
03-08-2007 and direct that 25 per cent of the disputed penalty shall be paid by the petitioner, within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. However, if the petitioner has already paid any amount towards the disputed penalty, while calculating the 25 per cent amount, the amount paid by the petitioner shall be given credit to.

The writ petition is accordingly disposed of. No costs.

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Bilal Nazki,J

Dated 1st October, 2007

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Ramesh Ranganathan,J

Note: Issue wire at party's cost
(b/o)
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